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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Dr. Phillip W. McClendon, Calvary Baptist Church, Joplin, MO.

PRAYER

The guest Chaplain offered the following prayer:

Shall we pray.

Our Father, we praise You for Your love that embraces us and gives us security, Your joy that uplifts us and gives us resiliency, Your peace that floods our hearts and gives us calmness, Your Spirit that fills us and gives us strength and fortitude.

Guide us, Lord, so we can maximize the hours of this week. Help us to think clearly without confusion, to speak without resentment, to debate without division, and to decide courageously without strife. May our speech honor You and deal with issues and not personalities. Grant the Senators Your grace to work this week as the honorable men and women who love You and count it a high privilege to serve as leaders of our beloved Nation. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 22, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, following leader time, the Senate will be in a period of morning business for up to 60 minutes. The morning business period will be divided. The Republican side will control the first 30 minutes and the Democrat side will control the final 30 minutes.

After morning business, the Senate will begin 60 minutes of debate on the motion to proceed to the asbestos bill. When the 1 hour of debate concludes, the Senate will conduct a rollcall vote on invoking cloture on the motion to proceed to the asbestos bill. We have heard from a number of Senators on this bill in the last couple of days. As the debate has progressed, there have been a number of ongoing discussions which involved our options for moving forward on this important piece of legislation.

At this point, it is difficult to say exactly how the continued negotiations are going to be carried out, but we are going forward with the cloture vote today, and we will continue with discussions and negotiations at the leadership level. If we are unable to invoke cloture and actually begin the asbestos

bill, we will have an agreement to consider the victims' rights bill that was introduced yesterday by Senators KYL, FEINSTEIN, and others. That order provides for up to 2 hours of debate prior to a vote on passage of the bill.

I thank all of the Members who have assisted in bringing that to conclusion. Both the assistant Democratic leader and I mentioned last night that they have done yeomen's work in bringing this legislation to the point it is.

It is bipartisan. I know Senator KYL has been very engaged in this debate. And only through his efforts, working together with the efforts of Senator FEINSTEIN and others, will we be able to finish that bill today.

I will be talking to the Democratic leadership about the schedule for the remaining part of this week and next week as the course of the day goes on.

I know my distinguished colleague from Missouri is here. I would be happy for him to make a statement with regard to our visiting Chaplain today.

So people know, I have about a 4- or 5-minute statement to make before going to morning business.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

GUEST CHAPLAIN PHILLIP MCCLENDON

Mr. BOND. Mr. President, I thank the majority leader and the distinguished minority whip.

I join with my colleagues today in welcoming a good friend to the Senate as guest Chaplain, Dr. Phillip McClendon of Joplin, MO. He is the senior pastor of Calvary Baptist Church where for the past 20 years he has served as a dynamic church and spiritual leader for southwest Missouri, ministering to all with whom he comes in contact, including hospital patients here and on his extensive missions

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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abroad. While we claim him for Missouri, his pastoring and his services extend to many people beyond the borders of our State. We are extremely delighted that he has been able to bring this body together and start us, we hope, on the right track today.

Dr. McClendon was educated in Georgia, Kentucky, and Missouri, and has been pastor for lengthy periods of service in New Mexico and Texas before being elevated to the current status in Missouri.

In addition to his church responsibilities, Dr. McClendon is a widely respected civic leader. He has served as trustee for the Ozark Mental Health Center, on the board of directors for the Ronald McDonald House of the four States, and as a member of the Advisory Council for the Community Blood Center of the Ozarks.

Dr. McClendon's works can be read through his published works. He has been on numerous television broadcasts throughout the region and has developed quite a wide following.

The interesting thing about Dr. McClendon is his ability to balance his calling, his family duties, all the while contributing so much to the Greater Joplin community. It underscores his dedication and active commitment to doing God's work for the betterment of humanity and all of our spiritual lives.

Dr. McClendon and his wife Jackie have three children, Scott, Gwen, and Crystal. Today, we are very pleased to be able to welcome an enthusiastic group of friends and admirers as he opened the Senate for business. We are truly delighted to welcome him and his group.

Thanks, Dr. McClendon, to you and your family, for your service.

I appreciate the opportunity to make these remarks. I thank the Chair for giving me this opportunity.

The ACTING PRESIDENT pro tempore. The majority leader.

EARTH DAY

Mr. FRIST. Mr. President, very briefly, I wish to comment on an event we are celebrating throughout the United States today and indeed throughout the world today. That is the fact that today is the 34th anniversary of Earth Day, an event that gives people the opportunity to celebrate the environmental accomplishments that have been made over the past three decades and, yes, to look ahead to see what progress can and should be made.

What has been so apparent to me as I travel back to Tennessee and talk to people across Tennessee is the opportunity that this day and this focus gives communities to discuss, to participate, and clean up of projects—to participate in conservation projects all across Tennessee. And, thus, it is happening all across the country.

Thousands of volunteers today, right now as we speak, are participating in an event—and the next few weeks will continue that discussion and that ac-

tivity—all of which will serve to raise environmental awareness and improve the cities and towns and the environment in which we live.

This year we have much to celebrate. The quality of our environment has dramatically improved over the past 30 years. Federal, State, and local efforts have enhanced our air and enhanced our water quality by reducing pollution. Major steps have been taken to clean up contaminated sites over the last 30 years and to protect our natural resources.

Since 1970—a little over 30 years ago—aggregate emissions of harmful pollutants have decreased by 25 percent. And that has happened—this decreasing of the pollutants by 25 percent—at the same time our gross domestic product has increased 161 percent. Energy consumption has increased 42 percent.

Tennessee is home to some of our Nation's most diverse natural areas. We have the Great Smoky Mountains in east Tennessee, a wonderful environment, a wonderful region, a wonderful space that I personally enjoy. I hike through it every year with my family—my wife Karyn and my three boys.

It is our Nation's most visited National Park, the great Smoky Mountains National Park. It is home to more than 100,000 different, distinct species, hundreds of which are new to science. The park itself is one of the most biologically diverse, indeed, in the world. Tennesseans know how critically important it is to protect and to conserve our limited resource.

In recognition of Earth Day, Tennesseans are volunteering all across the State, in National Parks, community cleanup projects, in wildlife refuges. A lot of the projects I mentioned are underway as I speak. In Nashville, thousands turned out to Centennial Park to learn about the Cumberland River and the region's water resources. Tennesseans are taking part in cleanup activities in the Reelfoot National Wildlife Refuge which is in northwest Tennessee. In east Tennessee and Knoxville there is the Fifth Annual Earthfest which is themed "What's In Your Water," to highlight water resources and quality issues in east Tennessee.

Federal agencies, in cooperation with national and grassroots organizations, are working together to educate Americans about how they can participate in cleaning up their environment on a daily basis, what they can do as individuals, as communities, initiatives such as the ENERGY STAR Program, statewide recycling programs, and under the Department of Agriculture, the Natural Resources Conservation Service is teaching people how to be good stewards of our planet.

Earth Day is, indeed, an opportunity to reflect on our accomplishments today and think about how we can do more to improve the environment.

The administration has proposed several new initiatives that will reduce air

pollution, which will support conservation and environmental stewardship programs and address our Nation's limited water resources issues. We also are working with international partners to address global climate change and assist developing countries with environmental challenges such as deforestation and illegal logging.

After more than 30 years, Earth Day has become an integral part of our Nation's environmental consciousness. No matter how you choose to celebrate Earth Day, you will be taking part in an international effort to preserve our natural resources and build a healthier tomorrow.

I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant Democratic leader.

ORDER OF PROCEDURE

Mr. REID. This is a unanimous consent request. I will not take time from the distinguished Senator from Colorado. Under the half hour that has been allotted to the Democrats in our morning business, we would dispense that by giving 10 minutes to Senator KOHL, 10 minutes to Senator LEAHY, and 10 minutes to Senator Lautenberg, not necessarily in that order; whoever is there, 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there is a period for the transaction of morning business for 60 minutes, with the first 30 minutes under the time of the majority leader or his designee and the final 30 minutes under the time of the Democratic leader or his designee.

The Senator from Colorado.

ASBESTOS

Mr. ALLARD. Mr. President, the Senate will decide shortly what path to take on the pending asbestos liability legislation, otherwise known as the Fairness In Asbestos Injury Resolution Act, more frequently referred to simply as the FAIR Act. This bill has inspired very strong sentiments from many Americans. Like my colleagues on both sides of the aisle, I am deeply sympathetic to those who have suffered severe medical consequences from exposure to asbestos.

I am somewhat less sympathetic to those who may seek compensation without demonstrating a medical impact on their lives. While the number of mesothelioma claims has remained relatively steady at about 2,000 claims